



Congress of the United States
House of Representatives
Washington, DC 20515-2208

May 18, 2016

The Honorable Shaun Donovan
Director, Office of Management and Budget
Eisenhower Executive Office Building
1650 Pennsylvania Avenue, NW, Room 252
Washington, DC 20503

Dear Director Donovan:

We write today requesting you reverse the Office of Management and Budget's (OMB) recent action to prevent the Department of Justice (DOJ) from using Antiterrorism and Emergency Assistance Program (AEAP) funds to compensate victims of the fungal meningitis outbreak of 2012.

As you know, in October 2012, the New England Compounding Center (NECC) distributed contaminated steroid injections, which were subsequently administered to patients in 23 states. This has since led to 778 cases of diagnosed fungal infections, resulting in the death of 76 individuals. After a two-year investigation, 14 individuals have been charged with 131 criminal acts, including a combined 25 counts of second degree murder in Michigan, Tennessee, Indiana, Virginia, Maryland, Florida, and North Carolina.

The testimonials of those affected are heartbreaking. Children have lost their mothers and fathers, parents have buried their sons and daughters, and the lives of hundreds of families have been irretrievably altered. They have come to the federal government seeking justice.

In 1988 Congress created the Office for Victims of Crime (OVC) within the Office of Justice Programs to provide assistance to victims of crimes in their times of need. After the Oklahoma City bombing in 1995, Congress further authorized the OVC to establish the Antiterrorism and Emergency Assistance Program (AEAP) to support "victims of terrorist acts or mass violence occurring within the United States." 42 U.S.C. § 10603b (b).

We firmly believe that 25 counts of second degree murder, defined as "intentional acts committed recklessly under circumstances manifesting extreme indifference to human life", spanning seven states, is an act of mass violence. Any conclusion to the contrary is not consistent with the clear and unambiguous letter of the law.

This issue is obviously very important to our constituents, and to us. Victims have waited patiently for over three years as this investigation has developed and charges have been brought.

Yet now, when victims were finally ready to receive long-awaited assistance, OMB has halted the process in its tracks. This is devastating news for families who, just last year, also had the Secretary of Health and Human Services deny a request to waive Medicare liens that would lessen their civil settlement.

Again, we strongly urge you to reverse this harmful action, or provide a prompt justification as to why OMB upholds this decision. On behalf of the victims and their families, we respectfully request your detailed response no later than May 31, 2016.

Sincerely,



Michael D. Bishop
Member of Congress



Fred Upton
Member of Congress



Bob Goodlatte
Member of Congress



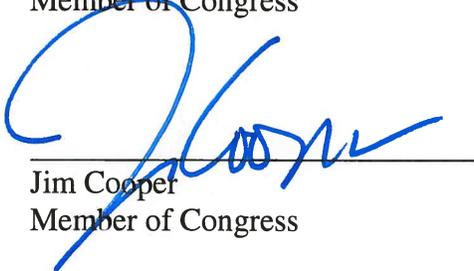
Jackie Walorski
Member of Congress



Dan Benishek, M.D.
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Jim Cooper
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Dan Kildee
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